



This packet may be submitted for the following:

- To request relief from dimensional zoning standards and
- If the relief is not eligible for an administrative variance or minor deviation

General Information

- A. A complete application is required at the time of submittal. Please answer all questions on the application clearly and completely.
- B. The City's application form must be used, however, the project narrative and answers to the criteria questions may be submitted on a separate sheet of paper.
- C. On at least one page of the required drawings, please clearly identify or highlight the area that the variance is being requested for. Include what the requested dimensional zoning departure is numerically (e.g. the proposed additional height, square footage, or reduced setback amount).
- D. A Notice of Complete Application or Notice of Incomplete Application will be issued within twenty-eight (28) days of submittal.
- E. A Non-Administrative Variance requires a hearing in front of the Medina Hearing Examiner.

Requirements

I. APPLICATION

NOTE: Deviations from an approved variance at the time of applying for a building permit may result in the request being returned to the Hearing Examiner for further review and cause delay of the project.

- A. The following documents are required at the time of submittal, unless otherwise indicated. While final construction drawings are not required for a variance application, all submitted plans, elevations, etc. must be of sufficient detail to clearly show the nature and extent of the proposal and its relationship to other site or project features. A complete application will include:
 1. Completed Variance Checklist, Variance Application and Declaration of Agency form
 2. Proof of ownership (copy of deed)
 3. Site Plan with the following:
 - a. Scale and north arrow
 - b. Property lines including corner stakes
 - c. Lot dimensions
 - d. Proposed location of new structure(s) or addition(s)
 - e. Dimensions of existing and new structures
 - f. Setback dimensions from property lines
 - g. All public/private roads
 - h. All easements

- i. All other structures on the property
 - j. Significant natural features
 - k. Structural calculations, including maximum structural coverage and impervious surface
 - l. Approximate location of structures on abutting properties with distances delineated
4. A set of drawings that contain the following:
 - a. Schematic building plans and elevations
 - b. Building height with site sections
 - c. Topography at 5' contour intervals
 - d. Proposed landscaping and existing vegetation and trees
 - e. Area of future development (if any)
 - f. Other site or public improvements/information (if any)
 5. When the request is for a height variance, the applicant shall provide documentation that clearly establishes the low point of original grade as outlined in Medina Municipal Code, Chapter 16.23.080.
- B. State Environmental Policy Act (SEPA) checklist for non-residential uses.
- C. A word document formatted to Avery address labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. See attachment in this packet for further information.
1. Vicinity map showing the site with the 300' or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
- D. Any other perspective drawings, renderings, studies, or information the applicant feels is relevant to support the variance request.

Procedure

II. VARIANCE PROCESS

- A. Please submit the items listed above and any other information which may be required by the City at the time the application is filed.
- B. For a variance application requesting a reduction in setbacks, corner survey stakes must be in place and clearly visible at the time of application to allow inspection of the site.
- C. **MODIFICATIONS: Changes to an application that has already been submitted and noticed to surrounding property owners may trigger the application to be re-noticed.**
- D. Following receipt of the variance application, the City will review the application for completeness and either issue a Notice of Application which includes a public commenting period outlined in MMC 16.80.110(B)(7) or a Notice of Incomplete Application, listing the additional required documentation. Any comments that are received by the public will be forwarded to the applicant for response. A hearing will be schedule with the Medina Hearing Examiner and a Notice of Hearing will be posted, mailed, and published according to the general notice requirements in MMC 16.80.140 at least fifteen (15) days before the hearing date.

- E. STAFF REPORT AND MEETING AGENDA: A staff report and meeting agenda will be emailed to the applicant for review a week before the scheduled hearing.

III. PUBLIC HEARING

- A. The Hearing Examiner bases his/her decision on the information provided in the application and testimony given at the public hearing. Information provided to the applicant by City staff or consultants regarding previous actions shall in no way be construed to indicate what the Hearing Examiner's decision will be on a given application.
- B. At the public hearing all evidence for or against the application will be heard in the following order:
1. The Hearing Examiner will introduce the requested application.
 2. Testimony will be heard as follows:
 - a. Staff
 - b. Applicant and/or their representatives.
 - c. Audience in attendance.
 3. Correspondence applicable to the case will be provided to the Hearing Examiner.
- C. Testimony must be related to the case being considered.

IV. DISPOSITION OF CASES

- A. The Hearing Examiner may be prepared to make a final determination on the case following the conclusion of the hearing or may continue the matter if sufficient reason for such action is found.
- B. Before any variance may be granted, the Hearing Examiner shall find that all of the following conditions exist in each case of an application for a variance:
1. The variance does not constitute a granting of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located; and
 2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and
 3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant; and
 4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated; and
 5. The variance is the minimum necessary to provide reasonable relief.
- C. In determining whether to approve an application for a variance, evidence of variances granted under similar circumstances shall not be considered.

- D. The decision of the Hearing Examiner will be issued to City staff ten (10) working days from the public hearing. The decision is effective upon the date of decision. Notices of Decision will be mailed to applicants and other interested parties as soon as possible.
- E. An approved variance is effective for a period of eighteen (18) months from the date of approval. A variance shall become void at the expiration at that time if the applicant has not filed a complete building permit application prior to the expiration date.

V. APPEALS

The decision of the Hearing Examiner may be appealed by filing a land use petition to King County Superior Court within twenty-one (21) days from the date of the decision.



DEVELOPMENT SERVICES

NON-ADMINISTRATIVE VARIANCE CHECKLIST

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

This checklist contains the minimum submission requirements for a non-administrative variance that are due at the time of submittal. Please note that not all items listed may apply to your submittal.

COMPLETE APPLICATION

<input type="checkbox"/>	Variance Checklist
	Complete Variance Application: <input type="checkbox"/> Application form <input type="checkbox"/> Signature of applicant/agent <input type="checkbox"/> All questions answered in full
<input type="checkbox"/>	Declaration of Agency form
<input type="checkbox"/>	Proof of Ownership (copy of deed)
<input type="checkbox"/>	Site Plan with required information
<input type="checkbox"/>	Building plans, elevations, and/or sections with area of variance highlighted
<input type="checkbox"/>	Documentation of Original Grade (if applicable)
<input type="checkbox"/>	State Environmental Policy Act (SEPA) Checklist for non-residential uses (if applicable)
	Mailing labels – Word doc formatted to Avery address labels <input type="checkbox"/> Mailing labels containing the names of property owners and their mailing addresses for all properties within 300 feet or three (3) parcels depth, whichever distance is greater but not to exceed 1,000 feet. <input type="checkbox"/> Vicinity map showing the site with the 300’ or three (3) parcels depth minimum buffer of property owners who will be notified of the application.
<input type="checkbox"/>	Perspective drawings, renderings, studies or additional supporting information (if applicable)



DEVELOPMENT SERVICES

NON-ADMINISTRATIVE VARIANCE APPLICATION

501 EVERGREEN POINT ROAD MEDINA, WA 98039
PHONE: 425-233-6414/6400

Complete this form for the following:

- Relief from dimensional zoning standards and
- The relief is not eligible for an administrative variance or minor deviation

General Information

Owner Name:	
Property Address:	
Legal Description:	Tax Parcel Number:

Agent / Primary contact

Name:	Email:
Contact Phone:	Alternative Phone:
Mailing Address:	City: State: Zip:

Property Information

Lot Size:	Critical area(s) located on the property (Ch. 16.50 MMC)? <input type="checkbox"/> YES <input type="checkbox"/> NO
Zoning District: <input type="checkbox"/> R-16 <input type="checkbox"/> R-20 <input type="checkbox"/> R-30 <input type="checkbox"/> SR-30 <input type="checkbox"/> Public <input type="checkbox"/> NA (Neighborhood Auto)	
Check all boxes for which relief is requested:	<input type="checkbox"/> Maximum height <input type="checkbox"/> Maximum structural coverage <input type="checkbox"/> Maximum impervious surface coverage <input type="checkbox"/> Minimum setback <input type="checkbox"/> Other _____

Please clearly state what your variance request is (i.e. *This is a request to reduce the rear yard setback from 30 ft. to 15 ft.*)

List known variances or special/conditional use permits previously approved for this property:

Please describe any known nonconforming conditions:

Please provide a complete description of the proposed project (attach additional pages if necessary):

Approval Criteria

The following is the approval criteria for a non-administrative variance. Please respond to each item by providing as much detailed information as possible to support your request. Attach additional pages if necessary.

1. The variance does not constitute a granting of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and zone in which the subject property is located
2. The variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located
3. The variance is necessary to relieve a material hardship that cannot be relieved by any other means such that the material hardship must relate to the land itself and not to problems personal to the applicant

Approval Criteria (continued)

4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated

5. The variance is the minimum necessary to provide reasonable relief

I certify under the penalty of perjury that I am the owner of the above property or the duly authorized agent of the owner(s) acting on behalf of the owner(s) and that all information furnished in support of this application is true and correct.

Signature_____ Owner Agent Date_____

Signature_____ Owner Agent Date_____